

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**John Kelley**, et al.

Plaintiffs,

v.

**Alex M. Azar II**, et al.,

Defendants.

Case No. 4:20-cv-00283-O

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSE TO MOTION TO DISMISS NUNC PRO TUNC**

The plaintiffs respectfully request a one-day extension to file their response to the defendants' motion to dismiss, nunc pro tunc.

The plaintiffs' response to the defendants' motion to dismiss was due on September 11, 2020. *See* ECF No. 22. Plaintiffs' counsel expected to finish and submit the brief before midnight on September 11, 2020, but realized that evening that he would need extra time to finish and submit the brief, in part because another appellate brief was due earlier that day that took more time than expected. Plaintiffs' counsel asked opposing counsel that evening if they would oppose a one-day extension, and counsel for the defendants indicated that they were unopposed. The brief was filed at 3:12 A.M. on September 12, 2020.

The plaintiffs respectfully request that the Court grant this motion to extend their deadline for responding to the motion to dismiss from September 11, 2020, to September 12, 2020, nunc pro tunc. We have consulted with counsel for the defendants and they are unopposed to this motion.

Respectfully submitted.

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Dated: September 14, 2020

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*Counsel for Plaintiffs*

**CERTIFICATE OF CONFERENCE**

I certify that I have conferred with Christopher M. Lynch, counsel for the defendants, and he informed me that the defendants are unopposed to this motion.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs*

## CERTIFICATE OF SERVICE

I certify that on September 14, 2020, I served this document through CM/ECF upon:

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